



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

AMENDMENT TO SPECIAL ORDER BY CONSENT

ISSUED TO

AQUA VIRGINIA, INC. - LAKE MONTICELLO STP

(VPDES Permit No. VA0024945)

SECTION A: Purpose

This is an Amendment to a Consent Special Order (hereinafter referred to as the Amendment) issued under the authority of Va. Code §62.1-44.15(8a) and (8d) between the State Water Control Board and Aqua Virginia, Inc., for the purpose of revising certain provisions of that Consent Special Order (hereinafter referred to as the Order) issued by the State Water Control Board to Aqua Virginia, Inc. on December 9, 2003.

SECTION B: Basis for Amendment

1. Aqua Virginia, Inc. owns and operates the Lake Monticello STP serving a population of approximately 7750 people in Fluvanna County, Virginia, which is subject to the Permit. This Facility discharges to the Rivanna River in the Middle James River basin.
2. The December 9, 2003, Order was issued to AquaSource Utility, Inc. and Lake Monticello Service Company. Since the issuance of the Order, the Facility's owner has undergone a corporate name change.
3. The VPDES Permit Regulation and Part II. M. of the Permit requires Aqua Virginia to submit to DEQ a VPDES permit reissuance application at least 180 days before the expiration of the existing permit (the application was due by October 29, 2007).

4. Aqua Virginia did not submit a complete application for reissuance of the Permit until February 6, 2008. The Permit expired on April 30, 2008. Aqua Virginia continued to discharge from the Facility after the expiration of the Permit.
5. DEQ issued Warning Letter (WL) Nos. W2007-11-V-1009, W2007-12-V-1007 and W2008-01-V-1008, as well as Notices of Violation (NOV) Nos. W2008-06-V-001 and W2008-07-V-003 to Aqua Virginia for failure to submit a complete and timely application for reissuance of the Permit by October 29, 2007, in violation of 9 VAC 25-31-100.D. WL No. W2007-12-V-1007 also cited Aqua Virginia for failure to submit its 5-year Water Quality Monitoring Report, which was due on October 29, 2007, in violation of the Permit Part I.E. and 9 VAC 25-31-50. Additionally, the NOV's cited Aqua Virginia for discharging without a permit after April 30, 2008. Discharging without a permit is a violation of VA Code § 62.1-44.5. and 9 VAC 25-31-50.
6. On December 21, 2007, DEQ received Aqua Virginia's 5-year Water Quality Monitoring Report.
7. On June 25, 2008, DEQ staff met with representatives of Aqua Virginia in an informal enforcement conference and discussed the issuance of the NOV.
8. During the period that the Facility discharged without authorization of a permit, the Facility's effluent quality conformed to the limitations in the expired permit.
9. On November 3, 2008, DEQ reissued the Aqua Virginia Permit.
10. Given the foregoing, the State Water Control Board and Aqua Virginia, Inc. agree that it is appropriate to amend the Order as described below.

SECTION C: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders Aqua Virginia and Aqua Virginia voluntarily agrees, to pay a civil charge of **\$5670** within **30 days** of the effective date of the Amendment in settlement of the violations cited in this Amendment. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Either on a transmittal letter or as a notation on the check, Aqua Virginia shall: 1) indicate that the check is submitted pursuant to this Order, and 2) include its Federal Identification Number.

2. Both the State Water Control Board and Aqua Virginia, Inc. understand and agree that this Amendment does not alter, modify, or amend any other provision of the Order.

And it is so ORDERED this 29th day of April, 2009.

Amy T. Owens
Amy T. Owens, Regional Director

Department of Environmental Quality

Aqua Virginia, Inc. voluntarily agrees to the issuance of this Amendment.

By: Gregory K Odell
Date: 1/30/09

Commonwealth of Virginia
City/County of Goochland, VA

The foregoing document was signed and acknowledged before me this 30th day of January, 2009 by Gregory K Odell, who is
(name)

Chief Operating Officer of Aqua Virginia, Inc. on behalf of
(title) Aqua Virginia, Inc...

Patricia Forsyth
Notary Public

My commission expires: Dec. 31, 2011

